



Public Notice

Applicant:
Shumway Marine

Date:
Published: March 9, 2001
Expires: April 8, 2001

**U.S. Army Corps
of Engineers**

In Reply Refer To:

Buffalo District CELRB-CO-R RE: 91-320-2(2) Section: NY 10 and 404

**Application for Permit under Authority of
Section 10 of the Rivers and Harbors Act of 1899 and
Section 404 of the Clean Water Act (33 U.S.C. 1344).**

Shumway Marine, 70 Pattonwood Drive, Rochester, New York 14617 has applied for a Department of the Army permit to perform annual maintenance dredging of about 600 cubic yards of silt from an area measuring approximately 70 feet by 300 feet. Dredging will be accomplished by a barge mounted crane. The dredged material will be off loaded into dump scows and then transported to, and discharged into, the designated open lake disposal area north of Rochester Harbor (Lake Ontario).

Physical, chemical and biological analyses of sediments in Rochester Harbor (Genesee River), have been accomplished by the Corps of Engineers in October 2000 (report dated January 2001), a copy of which is available in this office for review. Sediment testing performed in 2000, 1994, 1990 and 1985 indicated that the sediments consisted primarily of silts and clays. In summary, the recent January 2001 report shows a sediment chemistry that is consistent with past testing programs in the Rochester Harbor. In addition, the 2001 data continues to support open lake disposal as an environmentally acceptable disposal alternative for Rochester Harbor sediments. Therefore, there is "no reason to believe" that any additional testing should be required prior to authorizing the disposal of the sediments in the designated open lake disposal area. If a permit is issued this office intends to authorize dredging for a maximum period of 10 years.

The purpose of the dredging is to provide and maintain sufficient navigation depths for recreational craft in the existing marina basin.

The project is located in the Genesee River, in the City of Rochester, Monroe County, New York.

Location and details of the above described work are shown on the attached maps and drawings.

Questions pertaining to the work described in this notice should be directed to Diane M. Clements, who can be contacted by calling (716) 879-4309, or by e-mail at: diane.m.clements@usace.army.mil

The applicant has certified that the proposed activity complies with New York's approved Coastal Zone Management Program and will be conducted in a manner consistent with that program. Any comments on the consistency of the proposed activity with New York State's Coastal Zone Management Program should be forwarded to:

Ms. Diana Boos
New York Department of State
Division of Coastal Resources
Consistency Coordinator
Coastal Management Program
41 State Street
Albany, New York 12231-0001
Telephone (518) 486-3200

The following authorization(s) may be required for this project:

Water Quality Certification (or waiver thereof) from the New York State Department of Environmental Conservation.

There are no registered historic properties or properties listed as being eligible for inclusion in the National Register of Historic Places that will be affected by this project.

In addition, available evidence indicates that the proposed work will not affect a species proposed or designated by the U.S. Department of the Interior as threatened or endangered, nor will it affect the critical habitat of any such species.

This notice is promulgated in accordance with Title 33, Code of Federal Regulations, parts 320-330. Any interested party desiring to comment on the work described herein may do so by submitting their comments, in writing, so that they are received no later than 4:30 pm on the expiration date of this notice.

Comments should be sent to the U. S. Army Corps of Engineers, 1776 Niagara Street, Buffalo, New York 14207-3199, and should be marked to the attention of Diane M. Clements, or by e-mail at: diane.m.clements@usace.army.mil. A lack of response will be interpreted as meaning that there is no objection to the work as proposed.

Comments submitted in response to this notice will be fully considered during the public interest review for this permit application. All written comments will be made a part of the administrative record. Due to resource limitations, this office will normally not acknowledge the receipt of comments or respond to individual letters of comment.

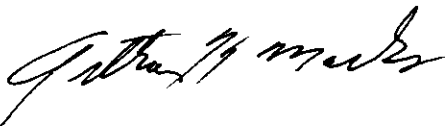
Any individual may request a public hearing by submitting their written request, stating the specific reasons for holding a hearing, in the same manner and time period as other comments.

Public hearings for the purposes of the Corps permit program will be held when the District Commander determines he can obtain additional information, not available in written comments, that will aid him in the decision making process for this application. A Corps hearing is not a source of information for the general public, nor a forum for the resolution of issues or conflicting points of view (witnesses are not sworn and cross examination is prohibited). Hearings will not be held to obtain information on issues unrelated to the work requiring a permit, such as property ownership, neighbor disputes, or the behavior or actions of the public or applicant on upland property not regulated by the Department of the Army. Information obtained from a public hearing is given no greater weight than that obtained from written comments. Therefore, you should not fail to make timely written comments because a hearing might be held.

The decision to approve or deny this permit request will be based on an evaluation of the probable impact, including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among these are conservation, economics, aesthetics,

general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

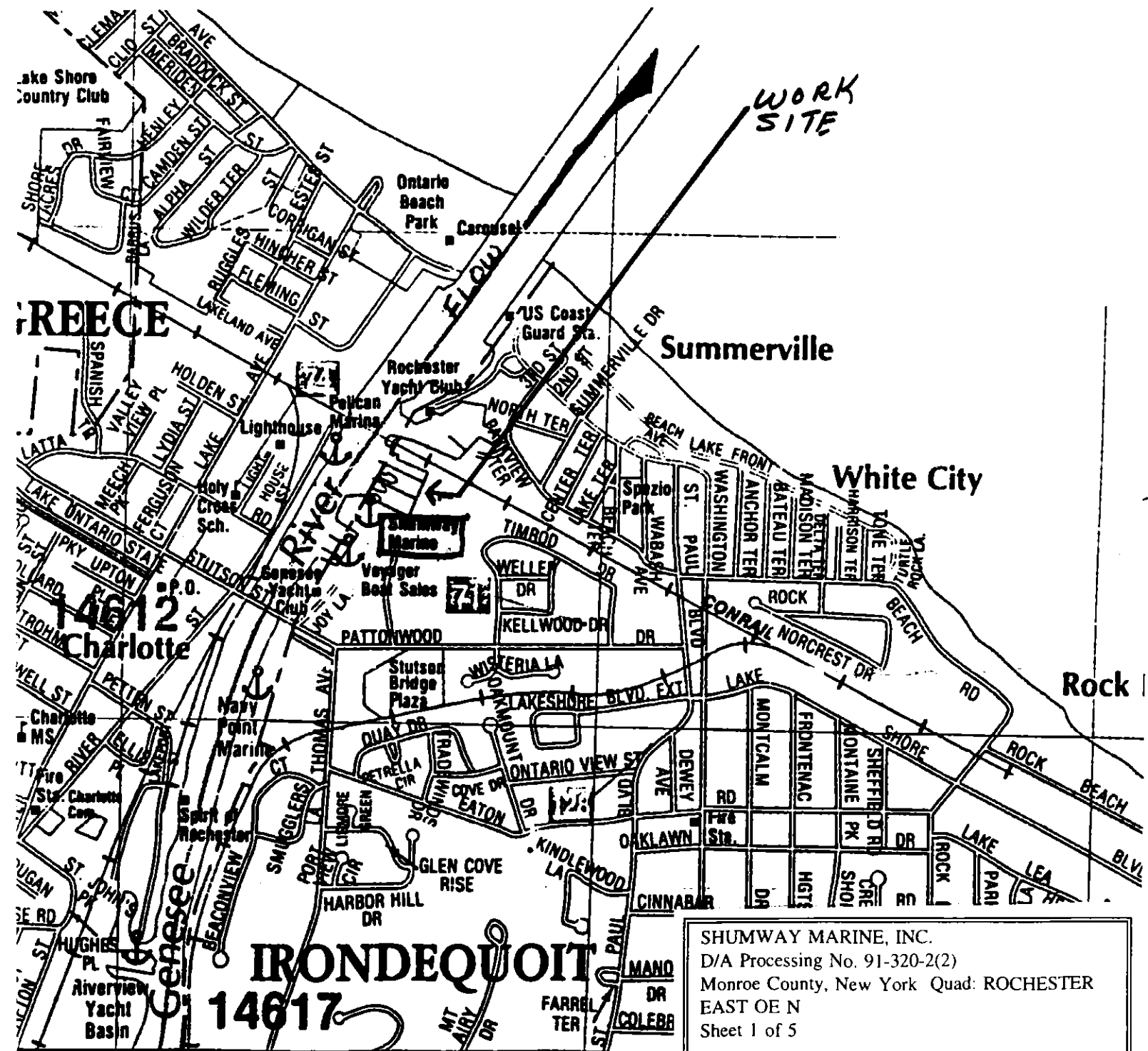

for Paul G. Leuchner
Chief, Regulatory Branch

NOTICE TO POSTMASTER: It is requested that this notice be posted continuously and conspicuously for 30 days from the date of issuance.

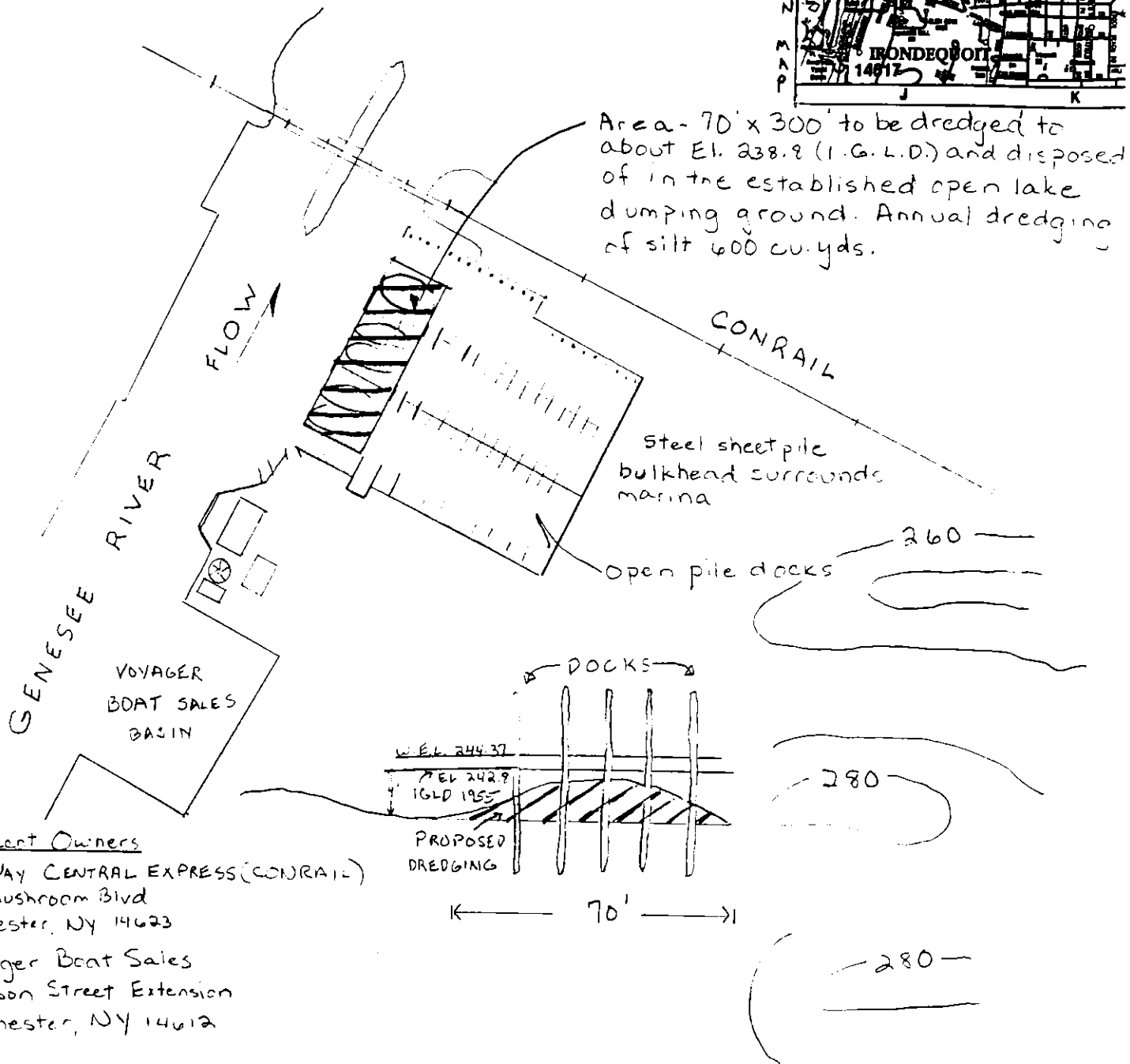
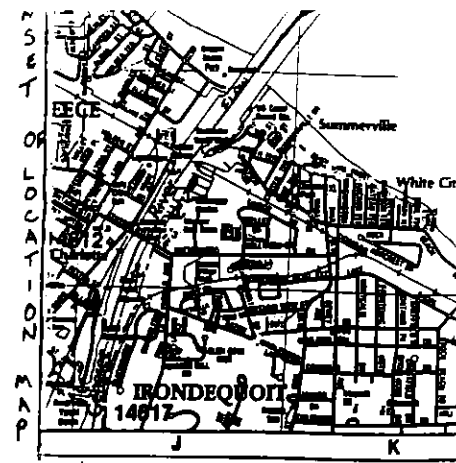
SHUMWAY MARINE
1/31/01

N

Lake
Ontario



NOT TO SCALE



Adjacent Owners

North - CONWAY CENTRAL EXPRESS (CONRAIL)
100 Mushroom Blvd
Rochester, NY 14623

South - Voyager Boat Sales
Stutson Street Extension
Rochester, NY 14612

///// Indicates area of proposed dredging.
Dredging to be performed to a depth of
4.0 ft. below low water.

DATUM EL 242.8'

Proposed annual maintenance dredging of 600 cu. yds.
Proposed disposal of dredged material in established
Corps of Engineers Lake Ontario disposal sight offshore
of Rochester Harbor.

SHUMWAY MARINE, INC.
D/A Processing No. 91-320-2(2)
Monroe County, New York Quad: ROCHESTER
EAST OE N
Sheet 2 of 5

77°37'

see page 49

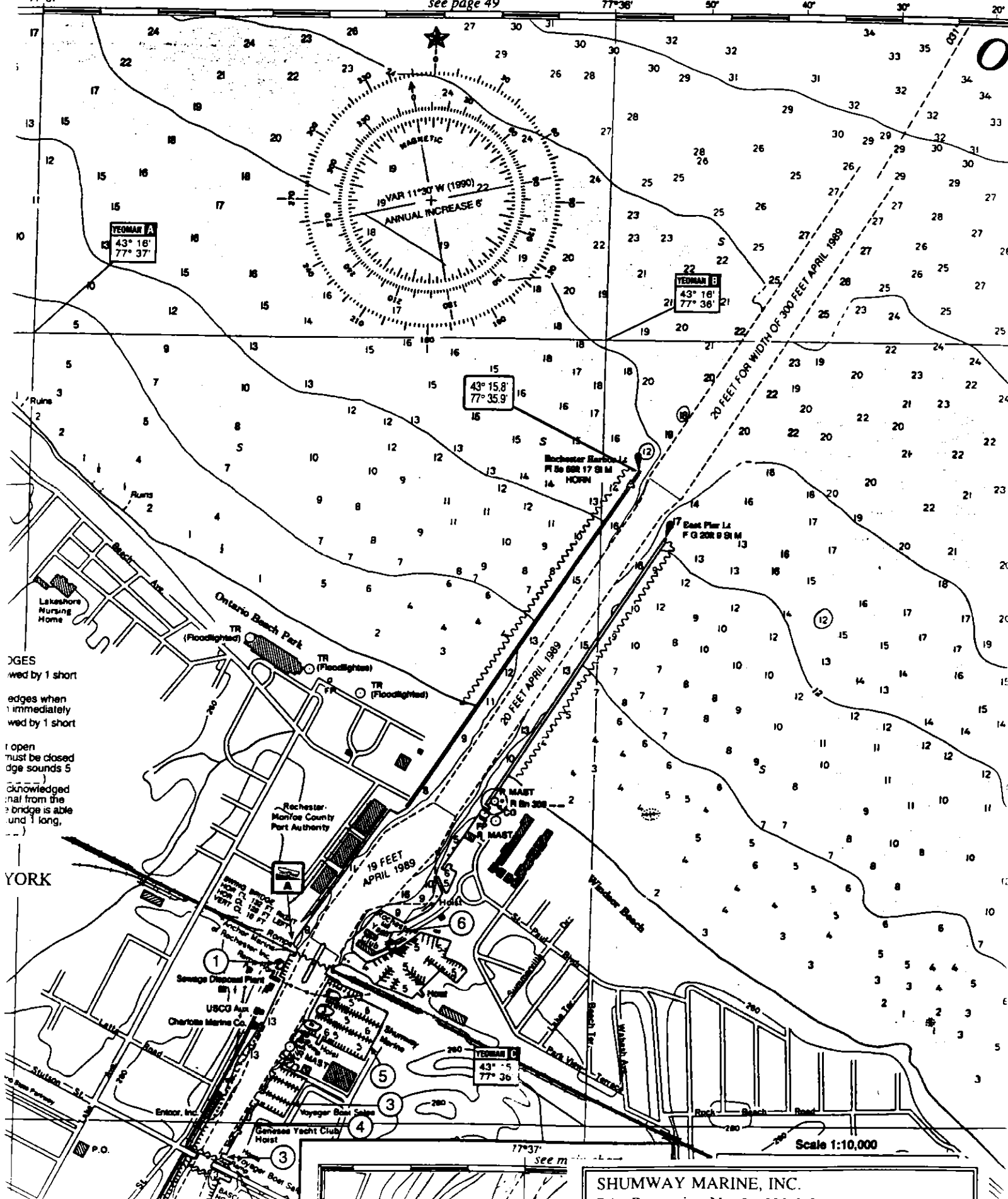
77°36'

50'

40'

30'

20'

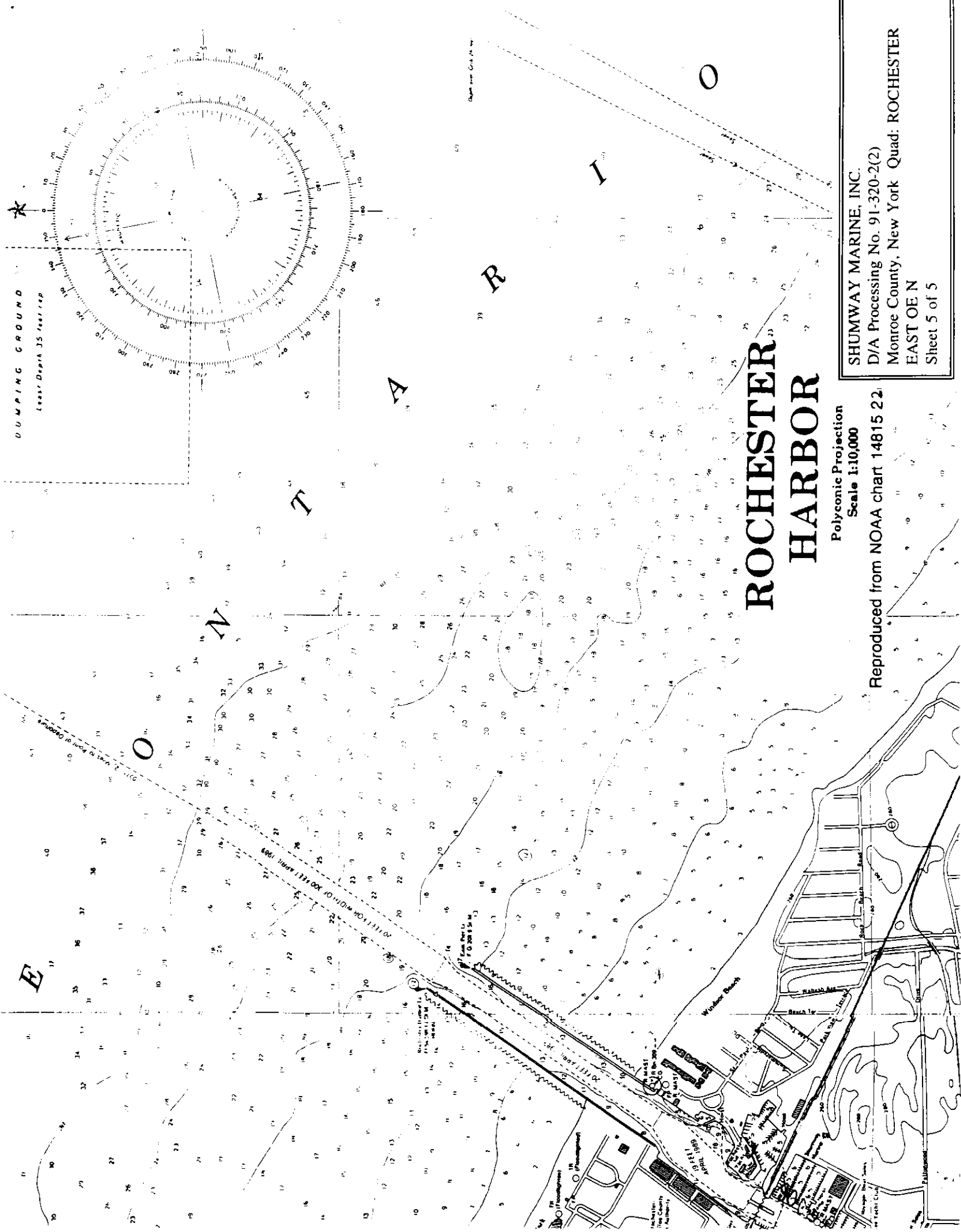


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SHUMWAY MARINE, INC.
D/A Processing No. 91-320-2(2)
Monroe County, New York Quad: ROCHESTER
EAST OE N
Sheet 4 of 5



ROCHESTER HARBOR

Polyconic Projection
Scale 1:10,000

Reproduced from NOAA chart 14815 22.

SHUMWAY MARINE, INC.

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Monroe County, New York Quad: ROCHESTER

EAST OE N

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